

Regular Meeting
Monday, April 5, 2010
6:00 pm
Chowan County Public Safety Center
305 West Freemason Street
Edenton, NC

MINUTES

The Chowan County Board of Commissioners held their regular meeting on Monday, April 5, 2010 at 6:00pm in the lobby of the Chowan County Public Safety Center, 305 West Freemason Street, Edenton, NC.

Present, Chairman Eddy Goodwin, Vice Chairman Emmett Winborne, Commissioner Jimmy Alligood, Commissioner Louis Belfield, Commissioner Kenny Goodwin, Commissioner Ralph Cole, and Commissioner Keith Nixon. Staff present: County Manager Peter Rascoe, Finance Officer Lisa Jones, and Clerk to the Board Susanne Stallings.

Chairman Eddy Goodwin called the meeting to order. Commissioner Alligood then led the group in the invocation.

Public Comment

Chairman Eddy Goodwin then opened the floor to public comment in accordance with NCGS 153A-52.1

There was no public comment.

Consent Agenda

a. Tax Release and Collector's Report (attached)

Cobb, L.	\$180.74	SITUS Gates Co.
Duck Inc.	\$187.88	Inadequate description to value
Holland, T.	\$238.63	Inadequate description to value

b. Minutes

Minutes of the February 25, 2010, March 1, 2010 and March 25, 2010 meetings. Approve and seal minutes of December 17, 2009 personnel hearing and transcript.

c. Declaration of Surplus Items

A list of items compiled by staff that has been determined to be surplus property is attached. In order for the items to be liquidated, the Board must declare it surplus by a unanimous vote pursuant to NCGS 160 A – 266 (c). It is recommended that the Board declare the property as surplus and authorize the County Manager to arrange the sale or disposition of the property, to be sold “as is” in accordance with the General Statutes

d. Recommended Budget Amendments

BA-0910-108

3418	Reg of Deeds	\$ 6,500	Increase revenue for automation/preservation set aside per G.S. 161-11.3
4180	Reg of Deeds	\$ 6,500	Increase expense for computer or imaging technology associated with preservation and storage of public records

BA-0910-109

3343	Inspections	\$ 17,150	Decrease revenue from building permits and planning fees
4350	Inspections	\$ 17,150	Decrease expense from lapsed salary and benefits for vacant planner position

BA-0910-110

3523	JCPC	\$ 500	Decrease revenue from NC Dept of Juvenile Justice for JCPC Council due to State budget cuts
5230	JCPC	\$ 500	Decrease expense for JCPC council expenses

e. Recommended Budget Transfers

BT-0910-07

9900	Contingency	\$ 1,200	Decrease contingency
4160	Contingency	\$ 1,200	Increase utility expense for Probation office through June 30, 2010

Commissioner Belfield asked for more information on BA0910-110

Ms. Jones explained that this was a State reduction of funds and the state funds from the expense line were being removed.

Commissioner Nixon stated his concern on the contribution to reserve being used for BT0910-08 and BT0910-09. He stated he felt that staff should look at another source of revenue for the transfers. He moved that the Board table the two budget transfers and allow the Finance Sub Committee to review and make a recommendation at their April meeting.

BT0910-08

9841	Reserve	\$144,556	Decrease contribution to Reserve
9841	Contribution	\$144,556	Increase contribution to PSC Capital Project Fund from General Fund to cover cost overruns for project as required by N.C.G.S 159-13(b) (2).

BT0910-09

9841 Reserve	\$ 6,000	Decrease contribution to Reserve
4120 Admin/Finance	\$ 6,000	Increase contribution to professional services

Mr. Rascoe stated the challenge is finding the funding for the increased expense.

Commissioner Kenny Goodwin asked for more information on the reasoning for the transfer.

Mr. Rascoe stated that the crash from the financial data server being re-keyed would require a review by the County's auditor to avoid a finding on the next County audit.

Commissioner Winborne asked for clarification that the budget transfer for the PSC Capital Project fund could wait until June 30th. He stated he agreed with Commissioner Nixon and encouraged the Finance Sub Committee to look at additional sources of revenue.

Chairman Eddy Goodwin asked for all in favor of the motion to table BT-0910-08 and BT-0910-09. The motion passed (6-1 Alligood).

Being no further discussion on the consent agenda, Commissioner Jimmy Alligood moved that the remaining consent agenda be approved as submitted. Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Mental Health –Public Hearing

Chairman Eddy Goodwin stated that the Board of Commissioners would now hold Public Hearing on proposal to *withdraw* from Albemarle Mental Health and join ECBH. (G. S.122C-115.3(c)). He asked for any Board questions or comments.

Commissioner Winborne asked if there was any word from the State on debt obligations for Chowan County with regards to Albemarle Mental Health.

Mr. Rascoe stated that the County Managers continue to meet on that topic. He stated the monies owed are mainly due to retirement costs and the cash advance. He stated that Representative Owens is working with the Managers to introduce legislation to resolve the debt during the upcoming short legislative session.

Chairman Eddy Goodwin declared the floor open for a public hearing. He asked for any public questions or comments (there was none).

Commissioner Winborne then moved that the Board withdraw from Albemarle Mental Health (AMH) via the following resolution.

**RESOLUTION WITHDRAWING MEMBERSHIP IN
ALBEMARLE MENTAL HEALTH CENTER &
DEVELOPMENT DISABILITIES & SUBSTANCE ABUSE SERVICES
[NCGS §122C-115.3]**

WHEREAS, the Albemarle Mental Health Center (AMHC) area authority has experienced past operational and financial difficulties and is no longer providing mental health services to the citizens of Chowan County.; and

WHEREAS, the North Carolina Department of Health & Human Services' Division of Mental Health, Developmental Disabilities & Substance Abuse Services (DMH/DD/SAS) assumed management responsibility of AMHC in January, 2009; and

WHEREAS, East Carolina Behavioral Health has been providing Local Management Entity (LME) mental health services under contract with the North Carolina DMH/DD/SAS since July 1, 2009 to the citizens of Chowan County; and

WHEREAS, it is apparent that the Secretary of the North Carolina Department of Health & Human Services will approve a permanent legal dissolution of AMHC sometime after July 1, 2010.

NOW THEREFORE BE IT RESOLVED that the Chowan County Board of Commissioners does find, after public hearing held pursuant to NCGS 122C-115.3 (c), that the Albemarle Mental Health Center is not operating in the best interests of the citizens of Chowan County, and the Board does hereby declare its intent to formally withdraw and to dissolve its membership in AMHC after Chowan County meets the requirements of G.S. §122C-115.3 (b) and after any other statutory requirements are met that that may be required to facilitate this withdrawal and dissolution.

BE IT FURTHER RESOLVED that the Chowan County Board of Commissioners intends for this withdrawal of membership in AMHC to become effective on July 1, 2010.

ADOPTED this the 5th day of April, 2010.

Mr. Rascoe stated that Board approval of the resolution would allow him to give notice to the State on the County's withdraw from AMH.

Commissioner Kenny Goodwin asked what the worst case scenario could be for the County if the State did not accept the withdrawal.

Mr. Rascoe stated the worst case scenario is that the County is forced to provide mental health services. He stated that because the County is in negotiations with East Carolina Behavioral Health and the same route is being taken by other member counties he felt there should be no resistance from the State.

Chairman Eddy Goodwin noted that Albemarle Mental Health is no longer in existence. Being no further discussion, Chairman Eddy Goodwin asked for all in favor of the motion. The motion passed unanimously (7-0).

Resolutions

Chairman Eddy Goodwin stated that the following resolutions; circulated online via local government websites have been recommended by various Board members for full Board consideration and discussion.

Resolution Opposing Transfer of Secondary Road Program to Counties

RESOLUTION OPPOSING TRANSFER OF SECONDARY ROAD PROGRAM TO COUNTIES

WHEREAS, Chowan County opposes (1) the transfer of Secondary Road Program funding to the Primary Road Program or any other program that will reduce funding for secondary road construction, improvement and maintenance, (2) any efforts by the General Assembly or NCDOT to shift any transportation costs formerly paid by the State to the counties, and (3) any efforts by the General Assembly to appropriate local revenues whether property tax, sales tax or any other local revenue for State transportation programs or any other State programs; and

WHEREAS, legislation has now been introduced (Senate Bill 758) that would transfer responsibility for and maintenance of secondary roads from the State to counties beginning in 2011; and

WHEREAS, according to statistics compiled by the North Carolina Association of County Commissioners in 2008, there are 198.30 miles of secondary roads located in Chowan County; and

WHEREAS, without the continuation of existing State revenue streams to pay for road upkeep and construction, Chowan County would be forced to raise the property tax rate by approximately 12.4 cents in order to keep up the current level of funding needed to maintain our existing secondary roads; and

WHEREAS, Chowan County does not have the equipment or capital to take on this massive additional responsibility.

NOW, THEREFORE, BE IT RESOLVED, that the Chowan County Board of Commissioners:

1. Strongly opposes Senate Bill 758, which, if ratified would transfer responsibility for and maintenance of secondary roads from the State to counties.
2. Strongly urges all counties to contact their legislative delegation to solicit their support in defeating this proposed legislation.
3. Direct that a copy of this resolution be transmitted to the members of the North Carolina General Assembly representing the Rowan County Board of Commissioners' concern about the transfer of this and future State cost shifts to counties.
4. Direct that a copy of this resolution be sent to the North Carolina Association of County Commissioners and to the other North Carolina counties.

This the 5th day of April 2010.

Chairman Eddy Goodwin asked for any public comment on the resolution, (there was none).

Commissioner Kenny Goodwin asked who supplied the statistical data that was attached to the resolution.

Mr. Rascoe stated this information was compiled by the North Carolina Association of County Commissioners and the resolution was supported and presented by the Association.

Commissioner Alligood moved that the Board approve the resolution.

Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Resolution Opposing Current State Laws Allowing Forced Annexation

Commissioner Louis Belfield moved that the Board approve the resolution.

Chairman Eddy Goodwin asked for any questions or comments (there were none). Chairman Eddy Goodwin then asked for all in favor, the motion passed unanimously (7-0).

Resolution Opposing Current State Laws Allowing Forced Annexation

WHEREAS, the North Carolina General Statutes allow municipalities to annex properties meeting statutory standards without involvement of the affected property owners nor the affected County through a process commonly referred to as “forced annexation,” and

WHEREAS, when forced annexation occurs, municipalities are often required to extend public utilities like sewer systems which allows higher population densities within these annexation areas; and

WHEREAS, even after annexation occurs the County is still required by state laws to provide specific services to residents within the annexation areas including school facilities, emergency medical services, public health services and various social related services; and

WHEREAS, although the County is still required to provide these services, (which constitute a substantial amount of the County’s operating and capital budgets), the County loses a significant amount of revenue due to the shifting of sales tax dollars tied to the areas annexed; and

WHEREAS, residents under consideration for forced annexation are not allowed to vote on this issue nor do they have representation on the governing body making the final decision; and

WHEREAS, residents affected by forced annexation have no appeal process short of pursuing legal action through the courts system.

NOW THEREFORE BE IT RESOLVED that the Chowan County Board of Commissioners expresses strong opposition to the current state laws allowing forced annexation.

BE IT FURTHER RESOLVED, that the Chowan County Board of Commissioners respectfully

requests the North Carolina General Assembly to repeal the forced annexation laws contained in Article 4A of Chapter 160A of the North Carolina General Statutes.

This the 5th day of April 2010.

Resolution: Legislative Request Electronic Message Boards for Motorcycles

Commissioner Alligood stated that he recommended approval of the following resolution. He made a motion that the Board approve the resolution.

Chairman Eddy Goodwin asked for any questions or comments (there were none). Chairman Eddy Goodwin then asked for all in favor, the motion passed unanimously (7-0).

**LEGISLATIVE REQUEST: TO USE ELECTRONIC MESSAGE BOARDS TO ALERT
MOTORISTS TO BE MORE ACUTELY AWARE OF THE DANGERS OF MOTORCYCLISTS
AND TO “LOOK TWICE AND SAVE A LIFE”**

WHEREAS, over the past 10 years motorcycle fatalities have increased 150% as reported in the US Department of Transportation’s Fatality Analysis Report. In 2008, the National Traffic Safety Administration reported 5,290 fatalities. One hundred and fifty-nine (159) of those deaths occurred in North Carolina; and,

WHEREAS, over the years, numerous campaigns have been waged to educate drivers and increase awareness to the dangers and safety of motorcyclists on our highways. The numbers continued to climb. In North Carolina helmets are required, clothing and specially equipped gear with padding is readily available, and riders are encouraged to attend motorcycle training and safety courses prior to hitting the streets; and,

WHEREAS, knowing the grave importance of the safety of its citizens, the Chowan County Board of Commissioners hereby joins the Concerned Bikers Association in this public endeavor.

NOW, THEREFORE, BE IT RESOLVED that the Chowan County Board of Commissioners respectfully requests the Chowan County Delegation to the North Carolina General Assembly to introduce legislation to allow the electronic message boards along our highways to carry the message to all motorists to “Look Twice and Save a Life” and to become acutely aware of motorcyclists in order to reduce the loss of life currently being experienced. Further, the County Commission challenges the other 99 counties in the State to join in this public endeavor and to encourage their local legislative delegations to support this request to the 2010 Session of the North Carolina General Assembly.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Chowan County Delegation to the NC General Assembly, the NC Association of County Commissioners, and to the other 99 counties in the State of NC.

Internal Committee Reports

Chairman Eddy Goodwin stated that all committee reports from March have already been presented at the workshop meetings.

External Board/Committee Reports

Chairman Eddy Goodwin stated that the Board members are asked to report on the activities of the external boards to which they have been appointed.

Commissioner Belfield stated that the Albemarle Regional Health Services Board met and discussed the septic tank alarm program and were updated on the financial standing of ARHS.

Commissioner Belfield then stated that the RPO committee met and presented the following resolution for County Board consideration that urges legislators to maintain the current equity formula for the funding of State transportation needs.

Clerk to the Board Susanne Stallings read the resolution into the record.

RESOLUTION TO PRESERVE THE NORTH CAROLINA TRANSPORTATION EQUITY FUNDING FORMULA

WHEREAS, the equity formula for allocation of transportation spending funds was adopted in 1989 to ensure that everyone in the State of North Carolina will enjoy the benefits of living within ten miles of a four-lane road; and

WHEREAS, for the more than two decades that the equity formula has been used, great strides have been made to improve the State's transportation infrastructure systems, enhancing the quality of life, encouraging economic development, facilitating the transfer of goods and services and providing modern and safe highways for all residents and visitors to North Carolina; and

WHEREAS, the equity formula allocates 50% of funds based on population, 25% of funds based upon percentage of mileage to complete the intrastate highway system, and 25% as an equal share distributed to address transportation needs of each region of the State; and

WHEREAS, North Carolina's most populated areas receive additional funding that is not subject to the equity formula, but is dedicated to urban loops, public transportation, rail, airports and transportation needs that are unique to urban areas: and

WHEREAS, northeastern North Carolina, including the ten counties served by the Albemarle RPO, still has the largest portion of intrastate roadways that are incomplete; and

WHEREAS, even the Federal Interstate Highway System would not have been built using a population based formula to allocate construction and maintenance funding,

NOW THEREFORE BE IT RESOLVED:

1. That the Chowan County Board of Commissioners urges the North Carolina Legislative Transportation Oversight Committee and the General Assembly to maintain the current equity formula for funding transportation needs in our State.

2. That copies of this Resolution be sent to the North Carolina Secretary of Transportation, the Division One Board of Transportation member, the Legislative Transportation Chairs and the State Legislators serving the Albemarle RPO counties.

Adopted this the 5th day of April, 2010.

Commissioner Belfield moved that the Board approve the resolution. Chairman Eddy Goodwin asked for all in favor, the motion passed unanimously (7-0).

Commissioner Cole noted there was no COA meeting,

Tax Annual Report

Gene Rountree, Tax Administrator provided the Board with an update of the activities of Tax Office for the past year (a copy of the PowerPoint is in the meeting file labeled April 5, 2010).

Water Annual Report

Water Supervisor Nick Lolie provided the Board with an update of the activities of the Water Department for the past year (a copy of the PowerPoint is in the meeting file labeled April 5, 2010).

Mr. Rascoe noted that the Water Department has realized more evidence of meter tampering. He stated that the Water Department guidelines allow for strict enforcement including a \$500 fine or prosecution for stealing water.

Mr. Lolie noted that locks are now placed on meters and have been cut.

Chairman Eddy Goodwin stated that he felt the rules should be enforced.

Commissioner Allgood stated that this was stealing.

Commissioner Winborne asked if the County is covered by the statutes in prosecuting water theft.

Mr. Rascoe said yes.

Finance Officer Report

Finance Officer Lisa Jones provided the Cash Balance Summary and Cash and Investment balance information for the month of February noting a total of \$7,050,054 total cash and investments. She noted that the report is a draft because the balances have not been reconciled to the general ledger due to the server failure the previous week. (a copy of the PowerPoint is in the meeting file labeled April 5, 2010).

Manager's Report

County Manager Peter Rascoe provided the Manager's report highlighting the following items:

- A letter was submitted to all water customers to note that customers that were not correctly billed for solid waste disposal, such as those using neighboring commercial dumpsters would be evaluated for the solid waste fee. He stated there was some confusion with some customers that haul off containers provided by GDS or other curb side pickup companies were commercial, he state that they are not and the billing for those customers would remain the same.
- The IT Director, Joe Sliva was present to answer questions from the Board on the recent failure of the UNIX server. Two weeks ago the server crashed, two back-ups are provided daily and one of the backups did not occur. The director received a false reading on the daily back up report. The departments using this part of the server were HR, payroll and finance. He stated that the server once up, would transfer the data to the new server and the Auditor would be reviewing all the re-keyed financial information for accuracy.

Mr. Sliva stated he could not guarantee the UNIX server would remain up and that he continues to monitor the situation daily. He stated that Keystone will assist the County in the transfer of the information to the new server.

- A prospect has been identified for the Albemarle Mental Health Building and the County has been asked to provide additional information. He stated that the prospective buyer has ordered an appraisal and that the Planning/Enterprise Committee may review this information in April.
- Stakeholders have been informed of the directives voted on by the full Board at the Finance workshop on March 25th. The Board may want to consider scheduling another work session at the end of April prior to the budget presentation in May.

The Board unanimously agreed to meet on Wednesday, April 28, 2010 at 6:00pm at the Chowan County Public Safety Center.

The Board also unanimously agreed to reschedule the April Finance Sub Committee to meet on Thursday, April 22, 2010 at 8:30am.

Commissioner Winborne asked Mr. Rascoe if the two working days after the work session would allow him enough time to make adjustments to the proposed budget after the Board provides directives.

Mr. Rascoe stated that the budget is approximately \$275,000 in expenditures over revenues. He stated the Finance Sub Committee recommendations along with the Full Board's directives could provide him with information needed to develop a plan.

Timely and Important Matters

Chairman Eddy Goodwin stated that the ABC Board has provided the Board with copies of their minutes and financial information. The Clerk will distribute this to the Board members for their review.

Being no further business, the meeting was adjourned.

Edward C. Goodwin, Chairman

L. Susanne Stallings, Clerk